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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/681,160 | 10/09/2003 | Jyh-Myng Zen | 3074/116 | 6445 |
| 22429 | 7590 | 05/09/2007 | | |
| LOWE HAUPTMAN BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314 | | | EXAMINER TURK, NEIL N | |
| | | | ART UNIT 1743 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/681,160

Applicant(s)

ZEN ET AL.

Examiner

Neil Turk

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the resilient separator, two side cutouts, the channels extending to communicate with the opening of the resilient separator, and the dovetail recess must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what structure allows the cover to be pivotally mounted on the base.

It is also unclear what structure constitutes a "resilient separator" and how it is related to the cover. Applicant merely states that it has an inner opening attached to the bottom of the cover. Is the resilient separator merely an inner opening attached to the bottom cover or is there more structure to a resilient separator? It is also unclear what an inner opening is given that the structure of the resilient separator has not been claimed. Examiner notes that Applicant's abstract describes an annular trench 28 in a bottom. From the drawings the annular trench is found in a portion of the cover and it is thereby unclear as to what Applicant intends to recite by way of "a resilient separator with an inner opening attached to the bottom of the cover", as such this limitation will be met given a resilient separator found in a portion of the cover. Further, a similar "separator" as an O-Ring 282 serving as a separator to lie within the trench is described in the abstract, however the combination of such a separator and an annular trench has not been claimed. Examiner asserts that the necessary elements include an annular trench defining an inner opening with a resilient separator partially received in the inner

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opening, such as described in the specification. Claim 1 omits such necessary elements as it only claims a resilient separator with an inner opening.

Further, the claims recite "...and multiple channels defined through the cover to communicate with the inner opening of the resilient separator". It is unclear what is meant by "to communicate with". Such a recitation does not have sufficient or specific structural elements that would establish that the channels extend all the way through the cover so as to meet the inner opening, if that is what Applicant intends. As presently recited such limitations to the communication will be met if the inner opening and the channels both are within the cover. It is further unclear where in the drawings the channels are shown to extend downwardly to the resilient separator (and its opening).

Additionally, any area within a base will be considered adaptable to receive a working electrode such that Applicant has not provided structural elements to the recess that would limit the recess to accommodate only a working electrode.

In claim 2, it is unclear how a ball is "retractably mounted" inside the locating posts. There is no structure (such as being hollow or having a space within for the ball) that would allow a ball to be retractably mounted within the locating post. Further, structure such as each of the locating posts being hollow in and of itself does not provide for the function of a ball being retractably mounted. Further, the term "the locating post" does not have antecedent basis in the claims. Does Applicant intend to have a ball in each of the two locating posts, or is there only one ball associated with one of the two locating posts?

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Claim 7 does not properly further limit claim 1. Claim 7 recites that the device further comprises an annular trench and an O-ring serves as the separator. The annular trench is not a further element to claim 1, such that it only further defines how the inner opening is formed. Similarly, the O-ring in claim 7 should be recited such that it further defines the resilient separator. Claim 7 appears to be drawing in some of the necessary elements for that which is being attempted to be claimed in claim 1.

Claims 8-10 are unclear in what constitutes a full channel. Claims 8 and 9 merely list an inlet, a first outlet, and a second outlet. It is unclear how these elements are related and thereby what defines the multiple channels. Given there is only one inlet recited and two outlets recited it is also unclear how there are multiple channels. The structural limitations and relationships in the claims must be clearly established to define the multiple channels through the cover.

In claim 18 it is unclear what further structure constitutes a dovetail recess.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahern, Jr. et al. (5,826,718), hereafter Ahern, Jr.

Ahern, Jr. discloses a toolbox with a bin-carrying cover. Ahern, Jr. discloses that the storage container (toolbox) has a base portion 11 (the base portion is adapted to hold a working electrode), cover 12 (hingably connected to rear wall 17 of the base), and a latch 27 (locking mechanism) that is provided to maintain the cover onto the base (abstract; lines 34-67, col. 2, fig. 1). Examiner asserts that the recess of the base portion is defined throughout the base to receive materials; thereby there is a recess defined in the top extending to the front end. Ahern, Jr. further discloses that cover 10 includes compartment 34 (resilient separator with an inner opening) that communicates with sockets 35 and notches 33 (channels) (communicates with the compartment 34 such that the sockets and notches both are within the cover) (lines 1-41, col. 3). Ahern, Jr. further discloses that feet 20 (multiple grooves to make the base easily held) may be provided on the base, such as shown in figure 1 (lines 43-51, col. 2). Examiner asserts that the functional language of claim 19 to "...to make the base easily held" is not given patentable weight, such that the limitation is met given the analogous structure recited.

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Examiner notes that the preamble of the claims recites, "A flow injection electrochemical detecting device", however there is no patentable weight given to such a preamble given that the body of the claims does not contain limitations to such a preamble.

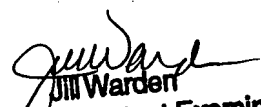
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Turk whose telephone number is 571-272-8914. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT


Jill Warden
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